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**MR. DONOVAN IS CAUGHT UP IN INTERNATIONAL
INTRIGUE AND PULLS OFF A HISTORIC SPY SWAP**

Inside Story of a Lawyer's Adventure

SPECIAL REPORT

by DAVID SNELL

Behind the sensational exchange of Soviet spy Rudolf Abel for U-2 pilot Francis Gary Powers lies a dramatic story of intrigue and secret negotiation, carried out against a background of cryptic messages, coded phone calls and tense border crossings in the Cold War battleground of Berlin. The negotiations culminated in a blatant Soviet blackmail attempt in which the freedom of a U.S. citizen still hangs in the balance.

The chief American figure in these events was no professional spy or soldier or even diplomat. He was a private citizen, a specialist in insurance law who was plunged into the thick of this incredible adventure unexpectedly and unwillingly, through a highly circuitous chain of circumstances that began five years ago.

James B. Donovan was a lawyer with only a limited experience in criminal practice when the Brooklyn Bar recommended his name in 1957 to be court-appointed defense attorney for Soviet spy Abel. Donovan was reluctant, but it was a responsibility he could not turn down. Abel had a right to the fairest possible trial. If the Bar Association considered Donovan the best qualified defense

attorney, he felt he had no choice but to accept.

The case led to an almost intolerable ordeal for Donovan and his family. Although he is a Roman Catholic honored by a papal knighthood, and a former commander of his American Legion post as well, he was accused of pro-Communist leanings. His children were taunted at school because "your father defends Communists." His phone had to be disconnected to halt the flood of abusive calls. Nevertheless he defended the Russian to the best of his ability. It took the jury nearly four hours to reach a verdict of guilty, and an appeal to the Supreme Court lost by a close 5-4 margin.

It was Donovan who first suggested that the Russian might someday be used as one enticing half of a spy swap. Toward the end of the trial the attorney, himself a former member of the OSS, wartime U.S. spy organization, urged the court not to give Abel a death sentence. He explained: "It is possible that in the foreseeable future an American of equivalent rank will be captured by Soviet Russia or an ally. At such time an exchange of prisoners through diplomatic channels could be considered to be in the

best interest of the United States."

Even then it was clear to a few insiders—for reasons never made public—that Abel was far more important to the Russians than most Americans realized.

"There is reason to believe," says former Assistant U.S. Attorney General William F. Tompkins, who directed Abel's prosecution, "that he is a lot more than just Colonel Abel. He is the best in the business. I think the Russians wanted this guy back so badly they could taste it. Someday the full story will be written. But I'll bet you anything he has already been received by Khrushchev."

After Powers and his U-2 plane plummeted from the Russian skies on May 1, 1960 U.S. newspapers recalled Donovan's prophetic words at the Abel trial and Oliver Powers, father of the U-2 pilot, urged a trade. Would the Communists make a move?

They did, late in the year, after Powers' Moscow trial on espionage charges. One day Donovan received a letter from East Germany, purportedly from Mrs. Abel. It asked Donovan to do what he could to win clemency for Abel. The "Abel family" had earlier sent Donovan a fee for defend-

ing the Russian spy; this letter established the "family" as a plausible front for the Communist side of any negotiations that might follow. Almost immediately after it came a second letter, inquiring specifically into the possibility of an exchange.

Donovan immediately contacted the Justice Department and was called to Washington.

"I was given a reply to send," he says. "It expressed some interest but offered a suggestion that the Russian government first exercise clemency and release Powers, after which I would see what could be done here."

Back came a negative reply. The correspondence grew. Donovan was now receiving letters not only from "Mrs. Abel," but also from a man named Eric Vogel who claimed to be an East Berlin lawyer representing the "Abel family." The lawyer was also corresponding with Abel himself, who was serving his 30-year sentence in the federal penitentiary in Atlanta.

An official watch on lawyer's letters

At all times, Donovan's end of the correspondence was closely watched by the Justice Department, by the State Department and by the White House. All his letters were written in Washington, where he could clear them with the government.

From the beginning the negotiations were conducted in the utmost secrecy. The Russians obviously preferred it that way and U.S. officials were convinced that the slightest publicity would cause a complete breakdown in the talks.

Late last year Donovan and his government advisers thought the negotiations had progressed enough to justify his going to Germany. From Washington he wrote to "Mrs. Abel," saying he was willing to meet with her or her representatives in East Berlin. If she was interested, he wrote, she should send him a radiogram saying simply, "Happy New Year." Toward the end of January came the belated greeting. It said: "Happy New Year," and was signed "Helen." This was the big break. Donovan moved fast.

On Jan. 29 he flew to London on what even his wife assumed was a routine business trip. He hung around for two days, actually transacting routine business with insurance company clients—and then, on the morning of Feb. 1, he was picked up in an unmarked U.S. embassy car and was whisked to an RAF base where he hopped aboard a U.S. military transport plane bound for Germany.

That afternoon in Berlin, Donovan and General Lucius Clay, the Presi-

dent's personal representative in Berlin, coordinated plans with a handful of other American officials privy to the operation. Then he was driven to a furnished house on a quiet residential street where he was to reside alone for the next 10 days.

The following morning a security specialist arrived and helped Donovan check the contents of his pockets and billfold. Since he was to go alone into the Soviet sector with no official or diplomatic status, he was running a tremendous risk. If the bargaining should take a wrong turn, the Communists might seize upon any pretext to add Donovan to their roster of imprisoned hostages. Donovan needed certain papers, but he and his advisers wanted nothing on his person that could create difficulties if he were stopped and searched.

Clash with a cop at Soviet checkpoint

Outside the house he was picked up by a chauffeur-driven car that bore no official markings and was taken to an elevated station where he boarded a train into the Soviet sector. He got off at a station a few blocks from the Russian embassy.

At the station he found his way blocked by a police control point where 100 or more East Berliners stood in a queue surrounded by scowling Vopos—East German police. Donovan waited a while, then strode impatiently to the head of the line. A huge Vopo spun him around and shouted at him to go back to his place. The lawyer wheeled on the cop and snarled in German: "Appointment at the Russian embassy!" The Vopo hastily bowed him through.

At the embassy Donovan was met by two men. One, huge and muscular, introduced himself as Ivan A. Shiskin, second secretary of the embassy. The other, a smaller man, was the mysterious Eric Vogel, supposed lawyer of the "Abel family." They went into a back room and sat down at a table. The talks had begun.

Before leaving the U.S., Donovan had been instructed by officials to try to arrange delivery of three Americans. One was Powers. The others were Frederic L. Pryor, a 28-year-old graduate student from Ann Arbor, Mich. who had been arrested in East Berlin last August on unspecified charges, and Marvin W. Makenen, a 22-year-old exchange student from Ashburnham, Mass. who had been arrested in July in Kiev and had been sentenced to eight years' imprisonment on charges of espionage.

Donovan told the negotiators he

Shiskin and Vogel immediately began to dwell on the offenses the trio had allegedly committed—especially Powers and Makenen. Whenever the discussion came around to Soviet Abel, Shiskin stressed that the Soviet Union's interest in this man was purely humanitarian. Abel, he insisted again, was not a Russian but an East German. The Russians simply would like to see the unfortunate fellow restored to the bosom of his family. A spy? Impossible.

The meetings went on, sometimes in this same room, sometimes in a distant and mysterious building that appeared to be the operations center of some highly specialized branch of the secret police. Donovan was told it was "Vogel's office." Various uncommunicative people, described as "Abel relatives," drifted in and out. One "relative" sometimes shadowed Donovan on his travels through East Berlin.

Little progress was made. The Communists seemed to be trying to wear Donovan down. There were other harassments. From time to time he was accosted by gangs of young hoodlums. U.S. officials in West Berlin were certain that this was part of the Soviet war of nerves.

At least once there was a slip-up in the Red act. After a session at "Vogel's place," Donovan and Vogel started back to the embassy in Vogel's auto. Out of nowhere an unmarked car roared up and forced Vogel's machine to the curb. Four Vopos, bristling with arms, jumped out and surrounded the car, glaring in at Donovan. Vogel, supposedly a

private citizen, got out and talked to the Vopos in low, earnest tones. Then he got back in and drove away. "What did those clowns want?" Donovan asked. "A mistake," said Vogel. "I got ticket for speeding."

At the end of each session Donovan made his own way back to the Western Zone. From the elevated station he would walk to the nearby Berlin Hilton Hotel and telephone a special number he had been given. When a voice answered Donovan would pronounce the laconic code sentence, "Jim D. is back," and hang up.

Secret messages on telegram blanks

His errand in Berlin was still a secret, but the best hiding place was right out in the open. Each evening he went into the hotel bar and took a seat at one end with a stack of telegram blanks in front of him—obviously an American businessman about to commune with the home office. He would write out a full report of the day's activities on the telegram blanks, then give a certain signal. A stranger would quietly slip up, seize the blanks without a word, and sidle away.

At last the meetings began to yield results. Shiskin indicated that the Russians were prepared to give up two prisoners but intended to hold on to one, probably Makinen. Then suddenly he switched signals: there was a good chance of Makinen's being released, but Powers would have to stay in Russia. Stunned, Donovan said that was impossible. The instructions from Washington were firm on that point. It was Powers or nothing. That night he wrote out a pessimistic report on the telegram blanks.

The next day the signals changed again. Shiskin announced that he had good news. Powers would be released after all. But Makinen must stay.



Now he spoke carefully and meaningfully. For humanitarian reasons and to diminish tensions in the Cold War, his government might at some future date be disposed to release Makinen. But not now. Moscow would wait to see how things might develop.

Lest Donovan fail to understand, Shiskin spelled it out. If the Russians released Powers and Pryor, Shiskin would consider Donovan pledged that neither Donovan nor the U.S. government would use the swap as a source of official anti-Soviet propaganda. Moreover, it was not even to be characterized as a swap.

Near the end of the sessions, with everything practically arranged, Shiskin gazed thoughtfully into Donovan's strong Irish face and at the white scar that slices down through his right eyebrow, a souvenir of the lawyer's amateur boxing days. "You look as though you used to play in athletics," the Russian said with a smile. Donovan told him how he got the scar. "You win much? You a champion?" Shiskin pursued. Donovan told him no.

"You may have lost some fights," said the Russian with feeling. "but you learned a lot."

On the morning of the 10th day Donovan was driven by his chauffeur to a U.S. Army prison compound and led into a maximum-security cell. There he came face to face with his old client who had been flown over from the federal penitentiary in Atlanta. Abel waited for the lawyer to offer his hand and then clasped it warmly. "My confidence in you," said Abel gently, "has paid off."

A short time later, under the brilliant morning sun, a convoy of American sedans arrived at the West Berlin end of the Glienicke Bridge. Closely guarded by military officers, Abel climbed from one of the cars, pale and wan. He was surrounded by about 20 officers and civilians, among them Donovan. On the opposite bank in East Germany, a similar convoy of Soviet sedans wheeled into position. Two swans glided under the bridge, unconcerned.

Word came that the student Pryor had been delivered into American hands in West Berlin. The two groups stood at the center of the span. Abel turned to Donovan and extended his hand. "Goodby," he said, "and many thanks." Abel and Powers exchanged places across the painted white boundary line. Powers, wearing a Russian fur hat, approached Donovan. "Gee," he said, "I'm glad to see you."